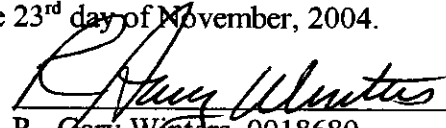


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

The Kroger Co., : Case No.: C-1-02 439
:
Plaintiff-Appellee : Judge Beckwith
:
:
Malease Foods Corp., formerly :
known as Malese Foods Corp., :
:
Defendant-Appellant :

NOTICE OF APPEAL

Notice is hereby given that Malease Foods Corp., defendant in the above named case, hereby appeals to the United States Court of Appeals for the Sixth Circuit from this Court's Order Granting Plaintiff's Motion to Show Cause or in The Alternative to Leave for Request Injunctive Relief entered in this action on the 23rd day of November, 2004.


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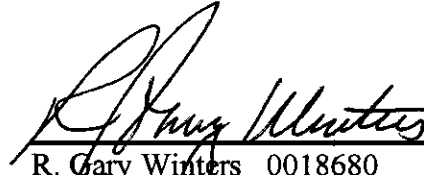
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CERTIFICATE OF SERVICE

This is to certify that the foregoing document was mailed this 2 day of Dec, 2004, to:

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